

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

---

**SOLMAX INTERNATIONAL, INC. on behalf of  
itself and all others similarly situated and entitled to  
share in the funds received by Geopacific Lining,  
Inc., Joey Dale, William Wolfe, John Doe 1, John Doe  
2, John Doe 3, John Doe 4 and John Doe 5,**

**Plaintiff,**

**-v-**

**00-CV-394 (NAM)**

**GP ENVIRONMENTAL, INC.; CRESMONT, INC.;  
GEOPACIFIC LINING, INC.; JOEY DALE;  
WILLIAM WOLFE; JOHN DOE 1; JOHN DOE 2;  
JOHN DOE 3; JOHN DOE 4; and JOHN DOE 5,**

**Defendants.**

---

**APPEARANCES:**

Melvin & Melvin, LLP  
217 South Salina Street  
Syracuse, New York 13202  
Counsel for Plaintiff

**OF COUNSEL:**

EDWARD J. SHEATS, JR., ESQ.,

**Norman A. Mordue, D.J.:**

**ORDER**

Presently before the Court for consideration is a request from plaintiff through counsel Edward J. Sheats, Jr., Esq., to discontinue this action as to the remaining defendants. *See* docket no. 104. By his request, plaintiff states "The plaintiff does not desire to pursue this matter further and will request the Court's permission to discontinue."

On March 3, 2005, judgment was entered in this action against defendants' GP International,

Geopacific Lining, and Joey Dale.

The remaining defendants John Doe 1 through 5 have never been served; plaintiff did not seek summary judgment as to defendant William Wolfe, who had filed a bankruptcy petition at the time the motion for summary judgment was filed; and plaintiff's motion seeking summary judgment against Cresmont, Inc., was denied.

The Court notes that all district court mailings have been returned undeliverable since late 2002; therefore, in light of the foregoing, plaintiff's request is granted and the Clerk is directed to dismiss this action without prejudice.

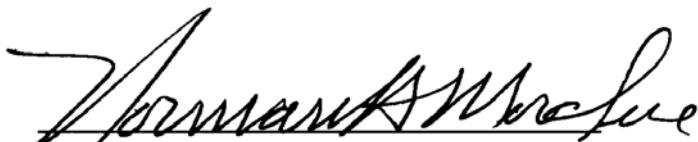
WHEREFORE, it is hereby

**ORDERED**, that plaintiff's request to dismiss this action without prejudice (docket no. 104) is **GRANTED**, and it is further;

**ORDERED**, that the Clerk serve a copy of this Order on the parties hereto by regular mail at the last known addresses.

**IT IS SO ORDERED.**

Dated: August 2, 2005  
Syracuse, New York



Norman A. Mordue  
U.S. District Judge